

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JOSEPH LAWRENCE CURRY,

Plaintiff

v.

GREGORY HOPKINS,

Defendant

Civil Action No.: 00175-JJF

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff Joseph Lawrence Curry, by his undersigned attorneys appointed by the Court through the Federal Civil Panel, brings this motion pursuant to Federal Rule of Civil Procedure 15(a) to request leave of the Court to amend Plaintiff's complaint, filed *pro se* in this Court on March 22, 2004 (D.I. 2). Plaintiff attaches to this Motion, as a courtesy to the Court, the proposed Amended Complaint, and does pray that the Court grant the relief requested herein. In support of its Motion, the Plaintiff states as follows:

1. The plaintiff filed this case *pro-se* alleging that the Defendant, Officer Gregory Hopkins, employed excessive force during his arrest on January 13, 2004.
2. The Plaintiff further alleges that Officer Hopkins ordered his K-9 Unit to attack the Plaintiff both before after the Plaintiff was subdued.
3. The case was originally assigned to The Honorable Kent A. Jordan.

4. This case was re-assigned to the Honorable Joseph J. Farnan, and the case was referred to the Federal Civil Panel (D.I. 127).
5. An Order appointing the undersigned as Plaintiff's counsel was entered on June 14, 2007 (D.I. 130).
6. Plaintiff's proposed Amended Complaint is attached hereto.

Date: September 17, 2007	<p>Respectfully submitted,</p> <p><b>CONNOLLY BOVE LODGE &amp; HUTZ LLP</b></p> <p><u>/s/Brian R. Lemon (#4730)</u> Scott E. Swenson (#4766) Brian R. Lemon (#4730) The Nemours Building 1007 North Orange Street P.O. Box 2207 Wilmington, Delaware 19899-2207 Telephone: 302-888-6319 Facsimile: 302-658-5614 <u><a href="mailto:blemon@cblh.com">blemon@cblh.com</a></u> <u><a href="mailto:sswenson@cblh.com">sswenson@cblh.com</a></u></p>
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FOR THE DISTRICT OF DELAWARE**

JOSEPH LAWRENCE CURRY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-175-JJF
	)	
GREGORY HOPKINS,	)	
	)	
	)	
Defendant.	)	

**ORDER ALLOWING FOR AMENDED COMPLAINT**

WHEREAS, Plaintiff's Motion for Leave to Amend the Complaint has been duly considered by the Court,

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2007 that the Complaint be and hereby is amended as proposed in the Plaintiff's foregoing motion and accompanying documents.

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United States District Judge

**RULE 7.1.1 CERTIFICATION**

I certify that counsel for the Plaintiff attempted to confer by telephone and by written correspondence regarding the merits of this Motion. On August 24, 2007, the Plaintiff notified the Defendant both by phone and by letter that the Plaintiff wished to amend the Complaint, and provided the Defendant with a copy of the proposed Amended Complaint for Defendant's comment. Plaintiff caused a second letter to the Defendant to be delivered on September 13, 2007 requesting that the Defendant contact Counsel for the Plaintiff by September 17, 2007 regarding this matter and informing the Defendant that the Plaintiff would file the present motion and this certification on that date. Additionally, Plaintiff left Defendant two voicemail messages regarding this matter. The Defendant did not respond to any of these attempts to discuss Plaintiff's desire to amend the Complaint. Accordingly, this Motion is presented to the Court for determination.

/s/Brian R. Lemon  
Brian R. Lemon (# 4730)